

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

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In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations.)
(Warrenton, Oregon))

MM Docket No. 99-157

RM-9614

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

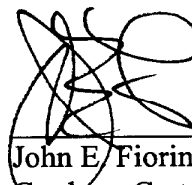
To: Chief, Allocations Branch, Mass Media Bureau

COMMENTS OF BRIAN J. LORD

Brian J. Lord hereby submits his comments in opposition to the proposed allotment of Channel 259A to Warrenton, Oregon, as proposed in the above-captioned proceeding. As the attached Technical Exhibit shows, the allotment reference point is in the Columbia River, and is, moreover, beyond the area where a 3.16 mV/m contour can be placed entirely over Warrenton with maximum Class A facilities. Furthermore, there is no land area that complies with both spacing and city-grade coverage requirements. Accordingly, it is clear that the allotment is defective and should not be made.

Respectfully Submitted,

BRIAN J. LORD



John E. Fiorini III
Gardner, Carton & Douglas
1301 K Street, NW—Suite 900E
Washington, D.C. 20005
(202) 408-7159

July 2, 1999

His Attorneys

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TECHNICAL STATEMENT
CONCERNING THE NOTICE OF PROPOSED RULE MAKING
FOR FM CHANNEL 259A AT
WARRENTON, OREGON

This Technical Statement supports comments in opposition to the Notice of Proposed Rule Making (NPRM) to allot channel 259A (99.7 MHz) to Warrenton, Oregon (MM Docket No. 99-157, RM-9614). The NPRM is in response to a petition filed by Mountain West Broadcasting to add channel 259A to Warrenton, Oregon as a new commercial FM allotment.

The reference coordinates for channel 259A at Warrenton are 46-16-49, 123-59-13. The proposed allotment includes a restriction for the site to be 13.9 kilometers (8.6 miles) northwest of Warrenton to avoid a short-spacing with respect to station KWJJ-FM on channel 258C1 (99.5 MHz) at Portland, Oregon.

Figure 1 is a portion of a 1/250,000 USGS topographic map showing the area meeting the Federal Communications Commission (FCC) minimum separation requirements for channel 259A. The map shows the pertinent separation arcs from stations KWJJ-FM and KAYO-FM (Ch. 257C1, Aberdeen, WA). The Warrenton, Oregon city limits are shown based on information contained in the 1990 US Census for Oregon. The proposed Warrenton channel 259A reference point is identified. Figure 1 includes a dashed

Warrenton, Oregon

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line arc to indicate the extent the channel 259A site can be from the furthest point of the Warrenton city limits and still provide a predicted 3.16 mV/m (70 dBu) principal city contour over the entire city with maximum Class A transmitting facilities (6 kW, 100 meters).

As shown in Figure 1, the reference point for channel 259A is located in the Columbia River, contrary to FCC allotment requirements. Not only is the proposed channel 259A allotment reference site located in a body of water, it is beyond the area where a 3.16 mV/m contour can be placed entirely over Warrenton with maximum Class A facilities. Furthermore, there appears to be no suitable land area in the area meeting the FCC's allotment requirements for channel 259A.

If there are questions concerning this technical statement, please contact the office of the undersigned.



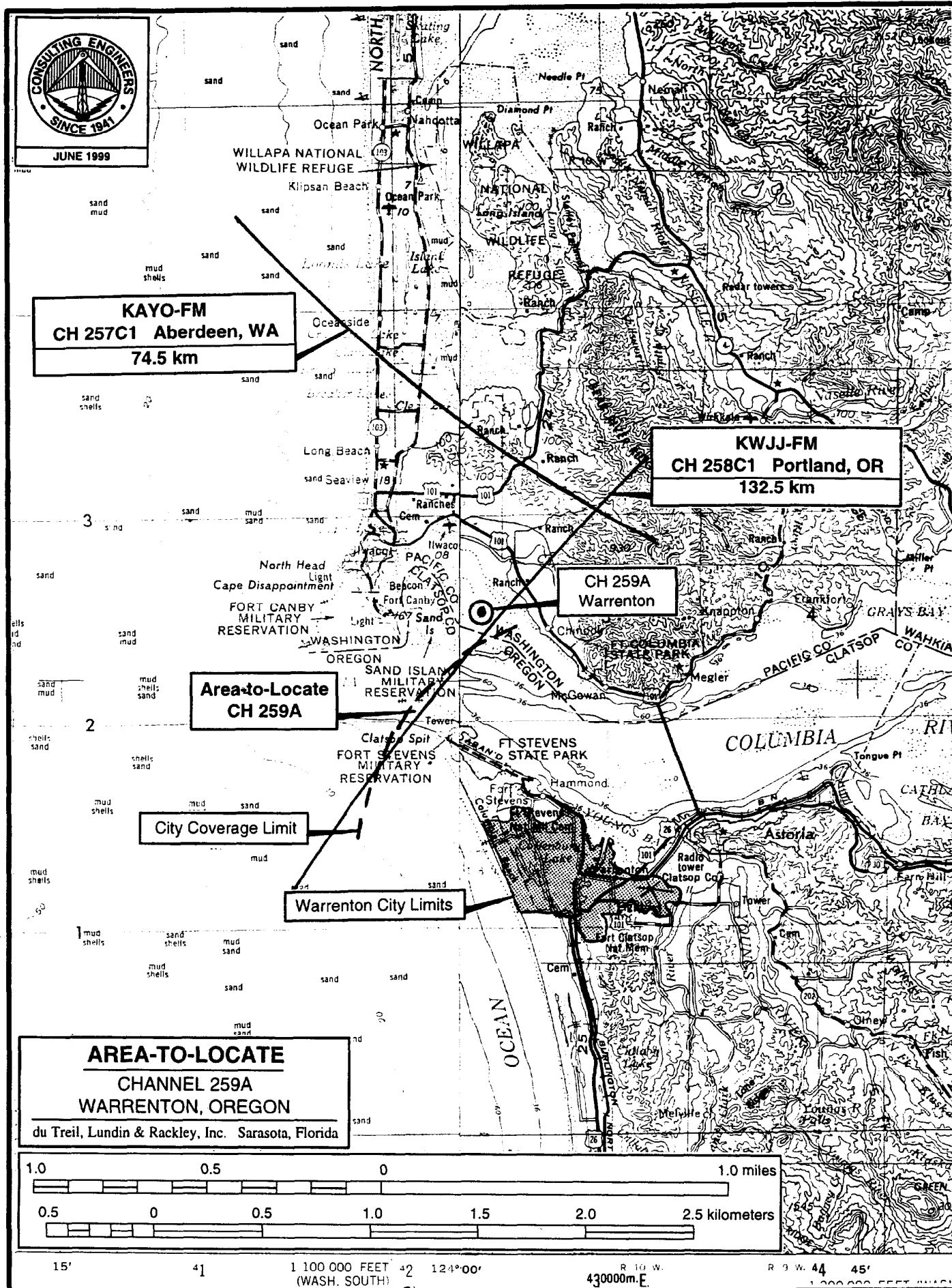
John A. Lundin

du Treil, Lundin & Rackley, Inc.
201 Fletcher Avenue
Sarasota, Florida 34237

(941) 329-6000

June 30, 1999

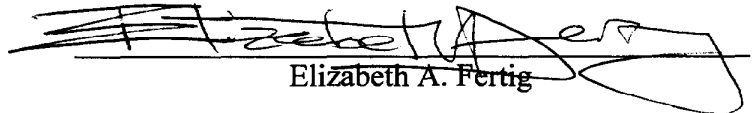
Figure 1



CERTIFICATE OF SERVICE

I, Elizabeth A. Fertig, a secretary in the law firm of Gardner, Carton & Douglas, certify that I have this 2nd day of July, 1999, caused to be sent by first-class U.S. mail, postage-prepaid, a copy of the foregoing Comments of Brian J. Lord to the following:

Mountain West Broadcasting
c/o Victor A. Michael, Jr.
President, Mountain West Broadcasting
6807 Foxglove Drive
Cheyenne, Wyoming 82009



Elizabeth A. Fertig

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